

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 610

A bill to amend 1978 PA 59, entitled
"Condominium act,"
by amending section 67 (MCL 559.167), as amended by 2002 PA 283.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 67. (1) A change in a condominium project shall be
2 reflected in an amendment to the appropriate condominium document.
3 An amendment to the condominium document is subject to sections 90,
4 90a, and 91.

5 (2) If a change involves a change in the boundaries of a
6 condominium unit or the addition or elimination of condominium
7 units, a replat of the condominium subdivision plan shall be
8 prepared and recorded assigning a condominium unit number to each
9 condominium unit in the amended project. The replat of the

condominium subdivision plan shall be designated replat number _____ of _____ county condominium subdivision plan number _____, using the same plan number assigned to the original condominium subdivision plan.

(3) Notwithstanding section 33, ~~if the developer has not completed development and construction of units or improvements in the condominium project that are identified as "need not be built" during a period ending 10 years after the date of commencement of construction by the developer of the project,~~ **FOR 10 YEARS AFTER THE RECORDING OF THE MASTER DEED**, the developer, its successors, or assigns ~~have the right to~~ **MAY** withdraw from the project all undeveloped portions of the project not identified as ~~ANY UNDEVELOPED LAND OR CONVERT THE UNDEVELOPED CONDOMINIUM UNITS LOCATED THEREON TO~~ "must be built" without the prior consent of any co-owners, mortgagees of **CONDOMINIUM** units in the project, or any other party having an interest in the project. If the master deed ~~contains provisions permitting the~~ **CONFERS ON THE DEVELOPER** expansion, contraction, or ~~rights of convertibility of~~ **RIGHTS WITH RESPECT TO CONDOMINIUM** units or common elements in the condominium project, then the time period is **10 YEARS AFTER THE RECORDING OF THE MASTER DEED OR 6 years after the date **RECORDING OF THE AMENDMENT TO THE MASTER DEED BY WHICH** the developer **LAST** exercised its ~~rights with respect to either expansion, contraction, or rights of convertibility~~ **RIGHTS**, whichever right was exercised last. The undeveloped portions of the project withdrawn shall also **PERIOD ENDS LATER. ANY UNDEVELOPED LAND SO WITHDRAWN IS** automatically be granted easements for utility and access purposes through the**

1 condominium project for the benefit of the undeveloped ~~portions of~~
2 ~~the project.~~ **LAND.**

3 (4) If the developer does not withdraw the undeveloped
4 ~~portions of the project~~ **UNDEVELOPED LAND** from the project **OR**
5 **CONVERT UNDEVELOPED CONDOMINIUM UNITS TO "MUST BE BUILT"** before
6 expiration of the ~~time periods, these undeveloped lands~~ **APPLICABLE**
7 **TIME PERIOD UNDER SUBSECTION (3), THE ASSOCIATION OF CO-OWNERS, BY**
8 **AN AFFIRMATIVE 2/3 MAJORITY VOTE OF THE MEMBERS IN GOOD STANDING,**
9 **MAY DECLARE THAT THE UNDEVELOPED LAND** shall remain part of the
10 project ~~as~~ **BUT SHALL REVERT TO** general common elements and **THAT** all
11 rights to construct **CONDOMINIUM** units upon that **UNDEVELOPED** land
12 shall cease. **WHEN SUCH A DECLARATION IS MADE, THE ASSOCIATION OF**
13 **CO-OWNERS SHALL PROVIDE WRITTEN NOTICE OF THE DECLARATION TO THE**
14 **DEVELOPER OR ANY SUCCESSOR DEVELOPER BY FIRST-CLASS MAIL AT ITS**
15 **LAST KNOWN ADDRESS. WITHIN 60 DAYS AFTER RECEIPT OF THE NOTICE, THE**
16 **DEVELOPER OR ANY SUCCESSOR DEVELOPER MAY WITHDRAW THE UNDEVELOPED**
17 **LAND OR CONVERT THE UNDEVELOPED CONDOMINIUM UNITS TO "MUST BE**
18 **BUILT". HOWEVER, IF THE UNDEVELOPED LAND IS NOT WITHDRAWN OR THE**
19 **UNDEVELOPED CONDOMINIUM UNITS ARE NOT CONVERTED WITHIN 60 DAYS, THE**
20 **ASSOCIATION OF CO-OWNERS MAY FILE THE NOTICE OF THE DECLARATION**
21 **WITH THE REGISTER OF DEEDS. THE DECLARATION TAKES EFFECT UPON**
22 **RECORDING BY THE REGISTER OF DEEDS. THE ASSOCIATION OF CO-OWNERS**
23 **SHALL ALSO FILE NOTICE OF THE DECLARATION WITH THE LOCAL SUPERVISOR**
24 **OR ASSESSING OFFICER.** In such an event, if it becomes necessary to
25 adjust percentages of value as a result of fewer **CONDOMINIUM** units
26 existing, a co-owner or the association of co-owners may bring an
27 action to require revisions to the percentages of value under

1 section 95.

2 (5) A REVERSION UNDER SUBSECTION (4), WHETHER OCCURRING BEFORE
3 OR AFTER THE DATE OF THE 2016 AMENDATORY ACT THAT ADDED THIS
4 SUBSECTION, IS NOT EFFECTIVE UNLESS THE ELECTION, NOTICE, AND
5 RECORDING REQUIREMENTS OF SUBSECTION (4) HAVE BEEN MET.

6 (6) SUBSECTIONS (3) AND (4) DO NOT APPLY TO CONDOMINIUM UNITS
7 NO LONGER OWNED BY THE DEVELOPER OR BY THE OWNER OF THE PROPERTY AT
8 THE TIME THE PROPERTY BECAME PART OF THE CONDOMINIUM PROJECT,
9 UNLESS THE PURCHASER FROM THE DEVELOPER OR OWNER OF THE PROPERTY AT
10 THE TIME THE PROPERTY BECAME PART OF THE CONDOMINIUM PROJECT IS A
11 SUCCESSOR DEVELOPER UNDER SECTION 135.

12 (7) AS USED IN THIS SECTION, "UNDEVELOPED LAND" MEANS LAND ON
13 WHICH WERE RECORDED 1 OR MORE CONDOMINIUM UNITS, NONE OF WHICH WERE
14 EITHER IDENTIFIED IN THE CONDOMINIUM SUBDIVISION PLAN AS "MUST BE
15 BUILT" OR HAVE HAD CONSTRUCTION COMMENCED, ALTHOUGH INFRASTRUCTURE
16 CONSTRUCTION OR COMMON ELEMENT CONSTRUCTION MAY HAVE COMMENCED.
17 UNDEVELOPED LAND DOES NOT INCLUDE CONDOMINIUM UNITS THAT ARE
18 DEPICTED OR DESCRIBED ON THE CONDOMINIUM SUBDIVISION PLAN PURSUANT
19 TO SECTION 66 AS CONTAINING NO VERTICAL IMPROVEMENTS.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.